THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 19119 of 1999

DATED:12-08-2005

Between:

A.P.State Handloom Weavers' Coop. Society, Rep. by its Vice-Chairman & Managing Director,3-5-770, Narayanguda, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner of Labour, Hyderabad (Twin Cities) & 2nd Appellate Authority under Shops & Establishements Act.
2 The Asst. Commissioner of Labour, Hyderabad-III & Authority under the A.P.Shops &Establishments Act
3 Smt.K.Sudershana,
Plot No.87, Neredmet, K.K.Nagar,
R.K.Puram, Secunderabad-56.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO. 19119 OF 1999

ORDER:

This writ petition is filed by the A.P.State Handloom Weavers' Cooperative Society-Management represented by its Managing Director, being aggrieved by the order made in S.A.No.25 of 1998 dated 9-6-1999 on the file of the lst respondent confirming the order in SE No.1 of 1994 on the file of the Authority under the A.P.Shops and Establishment Act(in short 'the Act')-2nd respondent.

There is no necessity to go into the details. The whole case of the petitioner-management is that the very petitions filed under Section 48 of the Act are not maintainable in view of the fact that the petitioner is under the control of the State Government and as such the provisions of the Act have no application in view of the Section 73 of the Act. It is unfortunate that such a plea was never taken either before

the primary authority or before the appellate authority. Therefore, such a plea cannot be allowed to be taken in this writ petition.

In so far as merits are concerned, nothing is brought to the notice of this court which is said to be either perverse finding or finding without any evidence etc. Therefore, the order under challenge does not suffer from any illegality or irregularity calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

C.V.RAMULU,J

12-08-2005

Stp